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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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NOV. 18 1992

In the Matter of)
)
Amendment of Section 73.202(b)) RM-
Table of Allotments,)
FM Broadcast Stations.)
(Oliver, Pennsylvania))

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Policy & Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Comes now James J. Humes d/b/a HUMES BROADCASTERS ("HUMES BROADCASTERS") by his attorney, and pursuant to Section 1.140(d) of the Commission's Rules and Regulations, respectfully requests an amendment of Section 73.202(b), FM Table of Allotments. In support whereof, the following is shown:

HUMES BROADCASTERS is the permittee of Frequency Modulation Broadcast Station WXAK(FM), Channel 235A, Oliver, Pennsylvania, and requests amendment of Section 73.202(b) of the Commission's Rules and Regulations in the following manner:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Oliver, Pennsylvania	235A		235B1

This proposed substitution of channels, which is in conformance with all required distance separations as set forth in the Commission's Rules and Regulations (see attached engineering Statement), will allow the upgrade of Station WXAK(FM) presently assigned to Channel 235A, Oliver, Pennsylvania. The substituted Channel 235B1 allotment will provide expanded service to the public and a more efficient use of the broadcast spectrum.


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HUMES BROADCASTERS asserts that if substituted Channel 235B1 is allotted at Oliver, Pennsylvania, he will apply for that channel, and if authorized, will build the station promptly. Further, it is requested that the Commission modify the authorization for Station WXAK(FM), Channel 235A, to specify operation on Channel 235B1 in accordance with Section 1.420(g) of the Commission's Rules and Regulations.

WHEREFORE, IN VIEW OF THE ABOVE, it is requested that the Commission amend Section 73.202(b) of its Rules and Regulations (Table of FM Allotments) as proposed hereinabove.

Respectfully submitted,



Thomas W. Fletcher
Counsel for James J. Humes d/b/a
HUMES BROADCASTERS

9825 Laurel Street
Fairfax, VA 22031

Date: November 18, 1992

STATEMENT OF JAMES D. SADLER
IN SUPPORT OF A
PETITION FOR RULEMAKING
REQUESTING AMENDMENT OF SECTION 73.202(B)

Proponent: James J. Humes, d/b/a Humes Broadcasters

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia.

This office has been authorized by Humes Broadcasters, licensee of WXAK(FM), Oliver, Pennsylvania, to prepare this statement and associated exhibit in support of its Petition to the Federal Communications Commission requesting amendment of Section 73.202(b) of the Rules and Regulations (Table of FM Allotments) in the following manner:

	<u>Add</u>	<u>Delete</u>
Oliver, Pennsylvania	235B1	235A

As detailed herein, this amendment of the Table of FM Allotments will allow the upgrade of WXAK(FM) presently assigned to Channel 235A, Oliver, Pennsylvania. The upgraded WXAK(FM) allotment will provide expanded service to the public and a more efficient use of the broadcast spectrum.

An allocation study was performed to ensure that a Channel 235B1 allotment at Oliver, Pennsylvania, would meet all of the required minimum distance separations with respect to all existing and proposed facilities and assignments in the vicinity. Exhibit 1

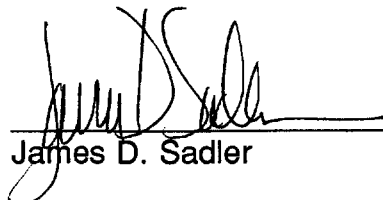
STATEMENT OF JAMES D. SADLER
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details the results of this study and demonstrates that the proposed Channel 235B1 is in conformance with all required distance separations as set forth in the FCC Rules and Regulations. For the purpose of this rulemaking, the reference coordinates are: 39° 55' 15" North Latitude; 79° 34' 12" West Longitude. These coordinates depict a site location 12.6 kilometers east of Oliver.

Assuming uniform terrain, the 70 dBu contour of a Class B1 facility (25 kW, 100 M) extends to a distance of 23.2 kilometers. Therefore, from the reference site, WXAK(FM) could easily provide 70 dBu coverage to all of Oliver.

The above statement was prepared by me or under my direct supervision and is believed to be true and correct.

DATED: October 20, 1992


James D. Sadler

ALLOCATION CONSIDERATIONS FOR CHANNEL 235B1

<u>CALL</u>	<u>STATUS</u>	<u>CITY, STATE</u>	<u>CHANNEL</u>	<u>REQUIRED SEPARATION (KM)</u>	<u>ACTUAL DISTANCE (KM)</u>
WRLF	CP	Fairmont, WV	232A	48.0	69.9
WWSW-FM	LIC	Pittsburgh, PA	233B	71.0	70.7 ¹
WELK	LIC	Elkins, WV	234B1	114.0	113.6 ²
WBRX	LIC	Patton, PA	234A	96.0	118.2
WQMX	LIC	Medina, OH	235B	211.0	217.4
WWKL	LIC	Harrisburg, PA	235B	211.0	227.6
WIKZ	LIC	Chambersburg, PA	236B	145.0	160.3
WRKU-FM	LIC	Grove City, PA	236B	145.0	162.2
WJPA-FM	CP	Washington, PA	237A	48.0	64.0
WKYE	LIC	Johnstown, PA	238B	71.0	70.8 ¹

¹Rounds to 71 kilometers.

²Rounds to 114 kilometers.